has already been elected a councillor whose term of office has not yet commenced.

29. Offences entailing disqualification.—(1) Conviction the following offences shall entail disqualification for being a councillor, namely :—

(a) offences punishable with imprisonment under section 171E or section 171F of the Indian Penal Code (Central Act 45 of 1860), and

(b) offences punishable under section 46 or section 58 or clause (a) of sub-section (2) of section 59 of this Act.

(2) The period of such disqualification shall be six years from the date of the conviction for the offence.

30. Corrupt practices entailing disqualification.—The corrupt practices specified in section 45 shall entail disqualification for being a councillor for a period of six years counting from the date on which the finding of the court as to such practice takes effect under this Act.

31. Disqualification for being a voter arising out of conviction and corrupt practice.—If any person—

(a) is convicted of an offence punishable with imprisonment under section 171E or section 171F of the Indian Penal Code (Central Act 45 of 1860) or an offence punishable under section 46 or section 58 or clause (a) of sub-section (2) of section 59 of this Act; or

(b) is upon the trial of an election petition under this Act found guilty of any corrupt practice.

he shall for a period of six years from the date of conviction or from the date on which such finding takes effect be disqualified for voting at an election.

32. Disqualification for being an election agent.— Any person who is for the time being disqualified under section 29, 30 or 31 for being a councillor or for voting at elections, shall, so long as the disqualifications subsists, also be disqualified for being an election agent at an election.

33. Election of divisional councillors.—(1) A vacancy arising by efflux of time in the office of a divisional councillor shall be filled at ordinary elections, which shall be fixed by the commissioner to take place on such days in the months of November and December immediately preceding the vacancies as he thinks fit.

(2) A causal vacancy in the office of a divisional councillor shall be filled at a causal election which shall be fixed by the commissioner to take place as soon as may be after the occurrence of the vacancy.

Provided that no casual election shall be held to fill a vacancy occuring within three months before the ordinary date or retirement and that such vacancy shall be filled at the next ordinary election.

(3) A divisional councillor elected at a causal election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

34. Procedure on failure of election.—(1) If for any cause no councillor is elected at an ordinary election held under section 33, the retiring councillor shall, if willing to serve, be deemed to have been re-elected.

(2) If in any such case, the retiring councillor is not willing to serve, or if at a casual election no councillor is elected, the commissioner shall without delay, inform the corporation and thereupon the corporation may appoint a qualified person to fill the vacancy, and if the corporation

fails within thirty days after receipt of such information to appoint a person as aforesaid, the commissioner shall fix a day for a fresh election.

(3) The term of office of councillor appointed, elected or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at an ordinary or the causal election, as the case may be.

35. Equality of votes.—If there is an equality of votes between two or more candidates, the commissioner shall decide by drawing lots which candidate shall be deemed to have been elected.

36. Prohibition of simultaneous membership.—(1) If a person is elected for more than one division, he shall within three days from the date of the last of such elections, by notice in writing signed by him and delivered to the commissioner intimate the dvison from whch he chooses to serve and the choise shall be final.

(2) If the candidate does not make the choice referred to in sub-section (1), the commissioner shall determine by lot and notify the division from which such candidate shall serve.

(3) The said person shall be deemed to have been elected only for the seat from the division so chosen or notified, as the case may be, and the vacancies thereby arising in respect of the other seat or seats shall be filled by fresh election.

37. Publication of results of elections.—All elections of the mayor and the deputy mayor and all election of councillors shall be notified by Government in the official Gazette.

38. Election petition.—(1) No election of a councillor shall be called in question except by an election petition

presented for adjudication to the Court of the District Judge, having jurisdiction, within fifteen days from the date of the publication of the result of election under section 37.

(2) An election petition may be presented on one or more of the grounds specified in section 40.—

(a) by any candidate at such election ; or

(b) by any vote of the division concerned.

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition,—

(a) shall contain a concise statement of the material facts on which the petitioner relies ;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice ; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the verification of pleadings.

(5) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of presentation of the election petition under sub-section (1) :

Provided that where the petitioner alleges any corrupt practice the petition shall also be accompanied by an affidavit in the prescribed for min support of the allegation of such corrupt practice and the particulars thereof.